

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16644 of 2005

-

Date: 29.07.2005

Between:

N. Ram Gopal, S/o.N.Pandurangaiah,

Bus Owner, Car Street, Tadpatri, Ananthapur District.

..... PETITIONER

AND

1. Assistant Motor Vehicles Inspector,

R.T.A., Central, Khairatabad, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16644 of 2005

-

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first

respondent in seizing his vehicle bearing No.AP02/U6624 under Section 8 of the Andhra Pradesh Motor Vehicles Taxation Act, 1988 (for short 'the Act') for the alleged irregularities stated in the Vehicle Check Report dated 23.07.2005 that contrary to the permit the petitioner was running the vehicle and that he had violated the permit conditions.

2. The grievance of the petitioner is that a special permit was granted to his vehicle, which was valid from 01.07.2005 to 23.07.2005. As per the permit issued, his vehicle was to proceed from Tadipatri to Hyderabad, Tuljapur Pasidpur and return to Tadipatri via Sangareddy, Hyderabad-Penukonda. But, however, the respondent authorities, relying upon the statement of the Driver that the vehicle was plying from Anantapur to Hyderabad, seized his vehicle under Section 8 of the Act. Hence, the present writ petition.

3. The learned counsel for the petitioner contends that even assuming that there are certain violations, but it is not a case for seizing the vehicle. It is always open to the respondent authorities to conduct necessary enquiry and pass appropriate orders as the petitioner, who is the owner of the vehicle, is a permanent resident of Andhra Pradesh, and even as per the Rules, the liability to impose penalty is only minimal. Therefore, there is no justification in keeping the vehicle with the respondents.

4. The learned Government Pleader for Transport, however, opposed the claim of the petitioner.

5. Heard both sides and considered the entire material available on record.

6. The vehicle of the petitioner was seized alleging that he had committed certain irregularities, and it was proposed to conduct enquiry. Even if the respondents are proposed to conduct an enquiry, the vehicle need not be detained with them and the same can be released in favour of the petitioner, pending enquiry, as the release of the vehicle shall be subject to the enquiry.

7. Under the above circumstances, the writ petition is disposed of directing the second respondent to release the vehicle bearing No.AP02/U6624 in favour of the petitioner on condition of the petitioner depositing a sum of Rs.5,000/- (Rupees five thousand only) along with an undertaking that he shall not alienate or encumber the said vehicle and also produce the same in the same condition, if it is required for any enquiry. The petitioner is also directed to produce necessary documents to prove his

ownership and on such production of the documents and depositing the above said amount, the second respondent is directed to release the vehicle in favour of the petitioner.

8. The release of the vehicle and the deposit so made shall be subject to outcome of the proceedings pending before the second respondent.

9. The writ petition is accordingly disposed of at the admission stage.

S. Ananda Reddy, J

Date: 29.07.2005

va